

REMARKS

Claims 1-27 are pending. Applicants elect with traverse Group I (claims 1-14) for examination on the merits. With regard to the requirement for an election of species, α,β -enolate reductase from *Clostridium tyrobutyricum* DSM1460 is elected. Elected claims 1-4 and 8-14 read on the elected species. Applicants reserve the right to prosecute nonelected subject matter in a further patent application.

For the record, Applicants note that the invention of Group III is mischaracterized in the Office Action. Claim 21-23 are directed to a method for precursor fermentation of 6-aminocaproic acid rather than “a method preparing precursor of 6-aminocaproic acid” as alleged on page 2 of the Office Action.

Notwithstanding the above election, reconsideration of the restriction requirement is requested because examination of all pending claims would not constitute a serious burden. In particular, at least the claims of Groups I to III should be examined in the same application. Thus, claims 15-23 should not be withdrawn from consideration in this application. The cells of Group II provide a nexus for the processes of Groups I and III, and establish unity of invention for the three groups of claims.


In the alternative, Applicants disagree with the allegation in the Action that the pending claims lack unity of invention, and therefore belong to different groups of inventions. Although they agree with the Examiner's conclusion that the inventions are separately patentable, Applicants' traversal is based on the pending claims being so linked as to form a single general inventive concept under PCT Rule 13.1. Kamachi et al. (U.S. Patent 6,645,752) is not evidence that a special technical feature is lacking. There is unity of invention because Kamachi neither teaches nor suggests Applicants' claimed invention. The cited patent relates to reducing α,β -carbon-carbon double bonds of α -halocarbonyl compounds having an α,β -carbon-carbon double bond. The substrate compounds of Kamachi are a completely different type of substrate compound from what is used in the pending claims. Therefore, Applicants submit that the pending claims should be examined together in this application.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Gary R. Tanigawa
Reg. No. 43,180

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100